

Chapter 25.82
-AH AIRPORT HAZARD OVERLAY ZONE

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25.82.010 Purpose. This zone is intended to be mapped in the vicinity of major airports to regulate and prevent hazards to air navigation. The city council hereby finds that an airport hazard endangers the lives and properties of users of the airport and of occupants of land and other persons in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is declared:

- 1 That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question;
- 2 That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards be prevented;
- 3 That this should be accomplished, to the extent legally possible, by proper exercise of the police power;
- 4 That the prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which Sioux City may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein. (Ord. S-30424, 1976).

25.82.020 Overlay zone. The airport hazard zone shall not be independently mapped upon the official zoning map, within the city limits of Sioux City, but shall be mapped pursuant to the procedures for amending the official zoning map only in conjunction with a primary zone. When so mapped, the regulations of this zone shall control where more restrictive than those of the primary zone. (Ord. S-30424, 1976).

25.82.030 Definitions. The following words and phrases shall have the following meanings, unless the context otherwise requires:

- 1 "Airport" means the Sioux Gateway Airport.
- 2 "Airport elevation" means the highest point of the airport's usable landing area measured in feet from mean sea level.
- 3 "Airport hazard" means any structure or tree, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off of aircraft.
- 4 "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided by this chapter.
- 5 "Height." For the purposes of determining the height limits in all zones set forth in this chapter and shown on the airport hazard zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- 6 "Instrument runway" means a runway equipped or designated to be equipped by an approved airport plan, with electronic air navigation aids adequate to permit the landing and takeoff of aircraft under restricted visibility conditions.
- 7 "Nonconforming use" means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter.
- 8 "Noninstrument runway" means a runway other than an instrument runway.
- 9 "Obstruction" means any tangible, inanimate physical object, natural or artificial, protruding above the surface of the ground.

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10. "*Person*" means any individual, firm, copartnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

11. "*Runway*" means a designated portion of the airport, as herein defined, prepared for landing and take-off of aircraft along the centerline of its longest dimension.

12. "*Structure*" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines, and the poles or other structures supporting the same.

13. "*Tree*" means any object of natural botanical growth (Ord. S-30424, 1976).

25.82.040 Interpretation. Unless otherwise specified by this chapter, all provisions of this title shall be applicable within the airport hazard zones. In the event of conflict between the regulations and restrictions of this chapter and those of the balance of this title the more restrictive shall govern. In interpreting the meaning of words defined in this chapter, where appropriate, the singular shall include the plural and the plural shall include the singular. (Ord. S-30424, 1976)

25.82.050 Zones. In order to carry out the purposes of this chapter, there are created and established certain zones designated as the approach zones, transitional zones, horizontal zones and conical zones. Such zones are shown on the airport hazard zoning map duly adopted by the city council, which is on file in the office of the city clerk, and which map, as duly amended from time to time, is incorporated in this section by reference and made a part hereof. An area located in more than one zone is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. *Instrument Approach Zone.* An instrument approach zone is established at the end of the existing or proposed instrument runway for instrument landings and takeoffs. The instrument approach zones shall have a width of one thousand feet at a distance of two hundred feet beyond each end of the runway, widening thereafter uniformly to a width of sixteen thousand feet at a distance of fifty thousand two hundred feet beyond each end of the runway, the centerline of the approach zones being a continuation of the runway centerline.

2. *Noninstrument Approach Zone.* A noninstrument approach zone is established at each end of all noninstrument runways on the Sioux Gateway Airport for noninstrument landings and takeoffs. The noninstrument approach zone shall have a width of five hundred feet at a distance of two hundred feet beyond each end of the runway, widening thereafter uniformly to a width of two thousand five hundred feet at a distance of ten thousand two hundred feet beyond each end of the runway, the centerline of the approach zones being a continuation of the runway centerline.

3. *Transition Zones.* Transition zones are established adjacent to each instrument and noninstrument and approach zone as indicated on the airport hazard zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown in the airport hazard zoning map. Transition zones extend outward from a line five hundred feet on either side of the centerline of the instrument and noninstrument runways for the length of such runway plus two hundred feet on each end and are parallel to and level with such runway centerlines. The transition zones along with the runway slope upward and outward one foot vertically for each seven feet horizontally to the point where they intersect the surface of the horizontal zone; further, transitional zones are established adjacent to both instrument and noninstrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the airport hazard zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at a rate of one foot vertically for each seven feet horizontally to points where they intersect the surface of the horizontal and conical zones. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of five thousand feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the runway centerline.

4. *Horizontal Zone.* A horizontal zone is established, being a plane one hundred fifty feet above the established airport elevation (one thousand ninety-seven feet), the perimeter of which is constructed by swinging arcs at a radius of ten thousand feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

5. *Conical Zone.* A conical zone is established, being a surface extending outward and upward from the periphery of the upper surface of the horizontal zone (one thousand two hundred forty-seven feet) at a slope of twenty to one for a horizontal distance of four thousand feet (Ord. S-30424, 1976).

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25.82.060 Height limits. Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow or be maintained in any airport zone to a height in excess of the height limit herein established for such zone. Such height limitations are computed as follows:

1. *Instrument Approach Zone.* Height limits are as follows: one foot in height for each fifty feet in horizontal distance beginning at a point two hundred feet from the end of the instrument runway and extending to a distance of ten thousand two hundred feet from the end of the runway; thence one foot in height for each forty feet in horizontal distance to a point fifty thousand two hundred feet from the end of the runway.

2. *Noninstrument Approach Zones.* Height limits are as follows: one foot in height for each forty feet in horizontal distance beginning at a point two hundred feet from the end of the noninstrument runway and extending to a point ten thousand two hundred feet from the end of the runway.

3. *Transition Zones.* Height limits are as follows: one foot in height for each seven feet in horizontal distance beginning at a point five hundred feet from the centerline of the instrument and noninstrument runways, measured at right angles to the centerline of the longest dimension of the runway, extending upward to a maximum height of one hundred fifty feet above the established airport elevation which is one thousand ninety-seven feet above mean sea level. In addition to the foregoing, there are established height limits of one foot vertical height for each seven feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal and conical surfaces; further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one foot for each seven feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward to the points where they intersect the horizontal and conical surfaces; further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one foot for each seven feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of five thousand feet from the edge of the instrument approach zone measured at right angles to the continuation of the aforesaid centerline of the runway.

4. *Horizontal Zone.* Height limits are as follows: one hundred fifty feet above the airport elevation.

5. *Conical Zone.* Height limits are as follows: one foot in height for each twenty feet of horizontal distance beginning at the periphery of the horizontal zone and extending for a distance of four thousand feet. (Ord. S-30424, 1976).

25.82.070 Height exceptions. Nothing in this chapter shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height of not more than forty-five feet above the surface of the land. (Ord. S-30424, 1976).

25.82.080 Use restrictions. Notwithstanding any other provisions of this chapter, no existing or new use may be made of land within any airport zone in such manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of aircraft operators using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of any aircraft. (Ord. S-30424, 1976).

25.82.090 Nonconforming uses.

1. *Regulations Not Retroactive.* With the exception of those uses specifically prohibited in Section 25.82.080, the regulations set forth in this chapter shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree in existence as of August 2, 1976, the effective date of this title, nor shall any change in construction, alteration or intended use of any structure be required if the construction or alteration was begun prior to the effective date of this title and is completed within one year.

2. *Marking and Lighting.* Notwithstanding the preceding subsection of this section, the owner of any nonconforming structure or tree is required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Sioux Gateway Airport. (Ord. S-30424, 1976).

25.82.100 Permits

1. *Future Uses.* Except as otherwise provided herein, no structure shall be erected, altered or otherwise established in any zone created by this chapter unless a permit therefor has been applied for and granted.

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Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

2. *Exception.*

a. **Horizontal and Conical Zones.** In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any structure less than seventy-five feet in height above the surface of the ground, except when because of terrain, land contour or topographic features such structure would extend above the height limits prescribed for such zone.

b. **Instrument and Noninstrument Approach Zones.** In the area lying within the limits of the instrument and noninstrument approach zones, but at a horizontal distance of not less than four thousand two hundred feet from each end of the runways, no permit shall be required for any structure less than seventy-five feet in height above the surface of the land, except when such structure would extend above the height limit prescribed for such instrument or noninstrument approach zone.

c. **Transition Zones.** In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any structure less than seventy-five feet in height above the surface of the land, except when such structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

d. **Scope.** Nothing contained in any of the foregoing exceptions shall be construed as permitting or intended to permit any construction, alteration or growth of any structure in excess of any of the height limits established by this chapter except as set forth in Section 25.82.060.

3. **Existing Uses.** No permit shall be granted that would allow the establishment or creation of an airport hazard or allow a structure to be made or become higher, or become a greater hazard to air navigation, than it was on August 2, 1976, the effective date of the ordinance codified in this chapter, or any amendments thereto, or than it is when the application for a permit is made.

4. **Variances.** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this chapter, may apply to the board of adjustment for a variance from such regulations. The procedure for such an application and the standards to be applied shall be as specified in Subchapter V of Chapter 25.12 of this Title.

5. **Hazard Marking and Lighting.** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and is reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate the pilots the presence of an airport hazard (Ord. S-30424, 1976).

25.82.110 Administration. The director of building inspection is charged with the duty of administering and enforcing this chapter. Applications for permits and variances shall be made to the director of building inspection upon a form furnished by him. In all respects this chapter shall be administered and enforced pursuant to the procedures set forth elsewhere in this title, unless otherwise specified (Ord. S-30424, 1976).

Chapter 25.80
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Sections:

- 25.80.010 Purpose.
- 25.80.020 Overlay zone.
- 25.80.030 Principal permitted uses.
- 25.80.040 Permitted accessory uses.
- 25.80.050 Space limits.
- 25.80.060 Temporary use permit.
- 25.80.070 Parking requirements.

25.80.010 Purpose. This zone is intended to be mapped at suitable locations for airports and heliports. This zone may be overlaid upon any part or all of any nonresidential zone which is found to be an appropriate location for an airport or heliport. (Ord. S-30424, 1976)

25.80.020 Overlay zone. The -AP zone shall not be independently mapped upon the official zoning map but shall be mapped, pursuant to the procedures for amending the official zoning map, only in conjunction with a primary nonresidential zone. Where so mapped, the uses permitted in the -AP zone are permitted in the primary zone. (Ord. S-30424, 1976)

25.80.030 Principal permitted uses. The following uses are permitted as of right in the -AP zone:

1. Landing fields for aircraft, including airplanes and helicopters;
2. Uses permitted in the primary zone. (Ord. S-30424, 1976).

25.80.040 Permitted accessory uses. The following accessory uses are permitted in the -AP zone:

1. Accessory facilities incidental to the normal operation of an aircraft landing field including, but not limited to navigational aids, refueling facilities, parking and storage facilities and offices, but not including general repair facilities and commercial and industrial operations unless such facilities or operations are permitted uses in the primary zone. (Ord. S-30424, 1976).

25.80.050 Space limits. The space limits shall be the same as those applicable in the primary zone, except that no heliport shall be located on a lot of less than forty thousand square feet and no landing field for airplanes shall be located on a site of less than forty acres, and the site of such landing field shall be of sufficient size to provide at least five hundred feet between the end of each runway and the nearest boundary line of such site intersecting the centerline of the longest dimension of each runway. (Ord. S-30424, 1976)

25.80.060 Temporary use permit. An -AP zone may be established as a temporary use for not longer than one hundred eighty days pursuant to the procedures and standards set forth in Subchapter V of Chapter 25.12 of this title. (Ord. S-30424, 1976).

25.80.070 Parking requirements. Off-street parking requirements applicable in the -AP zone are set forth in Chapter 25.96. (Ord. S-30424, 1976).